

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

IN RE: DIGITEK PRODUCTS LIABILITY LITIGATION

CIVIL ACTION NO. 2:08-md-01968

THIS ORDER RELATES TO CASE
2-09-cv-0768

**PRETRIAL ORDER # 83
(Extension of Deadlines for Response and Reply Briefing on Motions for Summary
Judgment and to Exclude Experts)**


Pending is plaintiff's ex parte application to enlarge the time to respond to defendants' motions for summary judgment and to exclude experts [Docket 537]. The plaintiff seeks an extension until September 8, 2011, giving him a total of 30 days to respond.

Under the current schedule the *Daubert* hearing is set for September 14-15, 2011. This date was agreed to by the parties and ordered in the MDL by PTO #70 on November 19, 2010. The hearing will take place on those dates as scheduled.

Under the current schedule plaintiff's responses are due August 17, 2011 and defendants' reply briefing is due September 1, 2011. Given that the plaintiff has not shown good cause for an extension any longer than the one week unopposed by the defendants, I hereby **ORDER** that plaintiffs' response briefing is due **no later than August 24, 2011**, and defendants' reply briefing will be due **no later than September 7, 2011**.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: August 11, 2011



Joseph R. Goodwin, Chief Judge